G R S App F IX 4]

Previous References

194/ -

(ML)

File No 19 - 41

Serial Nos 11, 15,

Later References

VP 50-42-1,246

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Jan 43

SUBJECT

Notice of Suit for damages
to Mr Shamna Rao's house
near the drains at Kalasa

621/2485 (1)

Notice of suit issued by Mr K Krishna Rao on behalf of his client Mr V Shama Rao

General and Revenue Secretariat | File No 18 of 1941 | [App F III-2]

Serial No	
1	Notice of suit dated 26th July 1941 issued by Mr K Krishna Rao on behalf of his client Mr V Shama Rao in the matter of damage done by the Sanitary Department to his newly built house 1) A draft to the Director of public health calling for a report together with connected records is put up for approval 4/8
2	P. 5001 issued on 6th August 1941 to the Director of public health calling for a report together with connected records
3	Letter No C. 216-6/ dated 18th November 1941 from the Director of public health forwarding the report called for together with the connected records 2) The facts of the case are set out in detail in the letter dated 22nd October 1941 addressed by the Sanitary Engineer Bangalore to the Director of public health (copy enclosed). 3) Further details are stated to have been called from the DC Kadur District and not yet been received as it is stated that he has also been reminded in the matter 4) The promised further report will be awaited, and the file resubmitted after the receipt of the same 21/11 5) Ex - Assistant Secretary after a fortnight 24/11/41

NOTE—Cover Sheet

Notice of suit issued by Mr K Krishna Rao, on behalf of his client Mr V Shama Rao

Law File No 18 of 194 /

General and Revenue Secretariat

Serial No

Letter No. C-216-14 dated 9th January 1942 from the Director of Public Health in which forwarding the records connected with the

6) Kind reference is invited to the report submitted by the Sub-Division Officer in this behalf flagged 'Z' which explains the circumstances clearly.

7) Reference is invited to paras 1 to 4 supra and the file is submitted for orders with reference to the notice P W D I received from Mr K Krishna Rao on behalf of his client Mr V Shama Rao

8) P W D I notice shows that the case of the party is that the Sanitary Engineer, while laying & constructing drains in Kalasa town have allowed & let in drain water & flood water into the premises, with the result that his newly constructed house is likely to collapse He claims damages to the extent of Rs 500/- & he wants to keep it & decree his suit Copies from the Law Clerk

9) Hag M is the letter of the Sanitary Engineer. Hags N & O are the further reports of the Amildar Hag P is the Plan of the Drains & the House

10) From these documents the following facts are gathered.—

1) The drainage work was

2)

Serial No

complete so far back as 1935,

2) The House in question was constructed after obtaining a license on 19 2/40

3) All the drains shown on Plan C are on level land, except drain marked D K on the said Plan, which is said to be on the latest & shown Rise (the party)

4) The distance between the nearest drain & the House is 5 feet, & between the house & D K drain is 9 feet

5) The land between the house & the D K drain is of loose earth & as such, the house is not sufficiently protected

6) There is a natural slope both to & the house, & the drains were constructed thus in that direction for the flow of the storm water.

11) From the facts noted above it is therefore clear that the party the Sharma Rao deliberately chose to build his house in a danger spot. The drains were already there when he contemplated to build the house, & it was his duty to have taken proper care to protect his house from the outflow of water from the public drains on public ground. So far as the nearest drain both sides of the road is concerned, which is on Government land

NOTE—Contn Sheet

WD 64155—GPB—55 000—28 10-41

Serial No.

I feel that the Shan Rao has no cause of action at all against Govt-

12) But the Question seems to be different- when the K Drain is concerned- Hay T Shan Rao's land is on the land of Shan Rao's land that portion has not been acquired by Govt- for the purpose of constructing a drain. Tho I do not know, whether the Govt- took the possession of Shan Rao's land that Drain on his land & no possession are taken, then the act of Govt- amounts to a trespass, & by that trespass, a direct injury is caused to Shan Rao, then Govt- may be liable to pay damages to Shan Rao Hence I feel that some protective measures ought to be taken by Govt- in respect of the K Drain

13) Even as regard the main drain, if any damage is caused to Shan Rao's lands, by the wilful neglect of Govt, action would lie against Govt- by Shan Rao. Hence the Govt- should be cautious to take proper care of the main drain in question - but if the damage to the house is caused owing to the neglect of Shan Rao then Govt- is in no way responsible

14) Hence this is a case

(13)

Notice of motion by the Hon'ble Krishna Rao on behalf of his client the Hon'ble Diwan Bahadur

General and Revenue Secretariat

File No. 18 of 194 [illegible] [App F III-2

Serial No

6181/L

A/ In which connection attention is invited to the letter called for in respect of the Drain, a large area is likely to be seen covered in Rafters to drain the side of the Road Line.

Law Secretary) 3 19/3/42

15) The D P H may be intimated

16) The threatened suit may be awaited

Minister L S G) Hm 2 19 3 42

Minister Finance) 3 19/3/42 25th ans about the D.C. passed reports the Land Survey could please be done up

Hm 22 3.42.

18) Spoken to the Minister Hm 8/4/42

19) The D C may be requested to acquire the private land, if any, on which the main drain has been constructed

Hm 2 8/4/42

20) Has the B C S Co been informed as noted above?

Law Secretary) 3 8/4/42

L S G Section) Hm 2 8/4/42

3 9/4/42

21) Papers with a draft letter for the Hon'ble Minister for Finance

22) Immediate Hm 9/4/42

Hm 16/4

16/4

NOTES—Contn Sheet

Notice of suit for damages to Mr Shama Rao
Kaval near the drawn of Mangalore

5773 41

General and Revenue Secretariat

File No 19 of 194

Serial No

To
The D.C. Kadur Dt
L 9988 of 1941

Issues certain instructions and calls for an immediate report in the matter

23/4

23) On receipt of the notice has been taken the file will now, if called be returned to the Law section for taking further action in the matter. A copy of the notice is placed on the file

24) Submitted for perusal before returning the file to the Asst Secy, Law Dept.

Asst Secy, Law)

23/4

23/4

24/4

The file is re-submitted for orders with reference to para 16 supra.

24/4/42

Here is no action to be taken after the receipt of any thing is taken; it has to be taken after receipt, & the file returned to the Law section for any files.

Asst Secy
Law)

24/4/42

Asst
27/4

6181
L

General and Revenue Secretariat

(4) A Writ suit served by Mr K. Krishna Rao, Lawyer, on behalf of his Client Mr N Shama Rao for damages to the crops of the latter near the diversion at Mudigere

Ref File No. 19 of 194 [App F III-2

Serial No

A

Extract from the Land Revenue Code of 1961 on the above subject.

Hence this is a case in which immediate attention of the Dept is called for in respect of the drain and proper care to be exercised in respect of the main drain by the side of Mr Shama Rao's land

Init KPP 19/3/62

Land Secy)

The D.P.H may be instructed pl. Also Secy to Govt Land Dept

The threatened suit may be avoided

Init HVN 19/3/62

Min R-S-G-L

Min for Land)

Init KPP 19/3

What about the D.C's promised report. The Land Secy will please enquire

Init HG 22/3/62

Spokesman the Minister for L.S.G.

HVN 23/3/62

The D.C may be requested to acquire the private land, if any, on which the main drain has been constructed

Init H.V.N. 23/3/62

Has the L.C. to be informed as noted above.

Init K.P.P 23/3

L.S-Section. Init H.V.N 23/3/62

Init K.P.P 23/3/62

NOTE—Contn. Sheet.

WD 04155—GPB—55.000—22-10-61

Gen 1

Notice of claim for damage to

Ref. 19th Skarna Rao house near the drain

at Mudungoda

File No. of 194 .

General and Revenue Secretariat

Serial No.

From B.S.A.

Sent to G.C.R.

9/4/46

Asst secy Revenue

L.S.G

Handed with a draft letter for appl

Yah 16/4

W.S.K 16/4

Issue at once

Sent to G.C.R.

16/4/46

To.

The D.C. Kalutara

L 9988 of 17.4.46

Direct that the private land on which the main drain has been constructed may be acquired and called for an immediate report

Sent

Sec'y A.

23/4/46

(5)

6381/8803

Notice of suit for damages to
Mr Shama Rao's house near the drains
at Mudgere

General and Revenue Secretariat | File No. | of 194 | [App F III—2

Serial No

From the D C Kadur

No A6-P R 258-C 5054/41-2 dy 1-5-43

Fds. a report called for in this office
letter No L 9988/dy 17-4-42

Submits with reference to para 19 supra
of the note

'N' The D C has been requested to dispose
the private property, if any, including that
of the petitioner; but no action has been
taken in this behalf

'B' The D C only submits a copy of letter
addressed by the Sanitary Engineer to
the Dy C of P H in which protective measures
are suggested to prevent further damage being
done either to the property of the petitioner
or the drains beside the road at the cost
of the Temple Funds, as the cost of the construction
of drains was also met by that source and
he requests to be intimated whether
he could execute the protective works
suggested

3) The proposal satisfies only one condition
of the petitioner i.e "to divert the course of water
from his land," but the question of paying
the damages of Rs 500/- sustained so far
has not been considered

Submits for orders

This question would arise
only if the Court grants the
Court process fee

Note—Contin Sheet

19/5/43

WD 04155—GPB—55,000—28-10-41

Rec 9/5

Notes of Suit re damages to Mr Shamrao Rao's house near the drains — Mangalore —

File No. 19 1603/1 of 194 / | General and Revenue Secretariat

Serial No.

In view of the facts explained by the Sanitary Engineer in his letter no 872 dated 9th Dec 1941 to the Dy S.E. it seems necessary to undertake the protective works also at an estimated cost of Rs 2000/ The D.C. Kanara may be asked, if approved, be informed that the acquisition of the private land required should be proceeded with first and then the question of taking up the protective works recommended by the Sanitary Engineering Dept considered in consultation with the local village Panchayat & the Temple authorities at Kadasa So far it is stated that the entire expenditure on the damage work at Mangalore said to have been met out of the Temple funds

A

On notes - Ref reports 1878-79 Improvement Committee Mangalore

Lawsuit 11/5/42

'A' may be approved

Minister L.S.G. 13/5/42

Secy H.S.G. 15.5.42

H.S.G. 15/5/42

15/5/42

SECT. DEPT. 4165 11 1942 GOVT.

OFFICE OF THE MINISTER FOR L S G & P H Date 14.5.1942 No. 74/42

6603/2

Notice of claim for damages to (6)
Mr Shama Rao's house near the chavadi at Kadur

General and Revenue Secretariat | File No | of 194 | [App F III—2

Serial No

Endd with a draft letter, for appl
Ld 18/5
Ed 18/5/42

3 June 1942

To, The D.C Kadur Dt
L 111 20 dy 21/5/42.
Claim Cattle pathway

Thro' A
WS 2/6

3) A report of action taken in the matter has to be called for. A draft is sent up.
WS 15/10.42 — WD 21/10/42

To the D.C Kadur Dt
No L-6310 dy 23.10.42
Calls for a report of action taken in the matter

OCT 1942

From
The Deputy Comr, Kadur Dist
No. A6-C. 505/41 dy 27.11.42
Forwards a report of action taken to enhance protection to Mr. Shamarao's house at Kadur

4) The D.C Kadur Dist. reports that the preliminary notifications for the acquisition of the private land including that of Mr Shamarao at Kadur have been issued and the Village Panchayat have resolved to pay only half the acquisition charges, viz Rs 70/-, while the Temple authorities plead its inability to meet the other half of the cost for

NOTE—Contn Sheet.

WD 04126—G.H.Q.—55,000—12-10-41

Notice of suit for damages to Mr Shama Rao's house at Kalasa.

File No. 19 of 194/	General and Revenue Secretariat.

Serial No.

for want of funds. As the Temple Authorities has met the entire expenditure on drainage works, the local Village Panchayet may perhaps bear the entire cost of acquisition, viz. Rs 70/- which is after all a very small sum.

The D.C. Kadur has also called for a report from the Sanitary Engineer regarding the protective measures to be taken to ensure safety to Mr Shama Rao's house. The receipt of this report will be awaited. Submit for orders

3/12/42 Draft letter to the Dy. C.

6/12 Copy of this letter above and retd the records may be put up. Copy of it may be sent to the D.C. in reply to his present letter

for 8/12/42

Submit with a draft letter for appl.

10/12 It will be seen from the P.W.D. that the D.C. Kadur may be taken the necessary action regarding the question as to who should bear the other half of the cost of acquisition of the land with regard to be decided at the time of the final allotment of the land

Draft to the Dy. C. Copy of the D.C's letter & retd the records to put up for appl. Law dept 8/12

SECY LA GOVT OF MYSORE

Notice of Suit for damages by Mr. B. Shamrao's House at Katra, Nagpur

Continuation Sheet. File No / Current No. 19 of 41 3 3 7 Page. 3557

47) Postponed

Mr. 2.66

OFFICE OF THE MINISTER FOR L S & P H
Date... 12.12.66
No. 115-24

To

The Dir of P.H
No. 16539 Sch I 63.
Asks the records.
No. 16540 Sch I-63. & the DC Nagpur
Asks a copy.

WD 1140—GPB—50,000—5-11-48

L. KRISHNA RAO, B A LL B.
ADVOCATE
ಕೆ.ಕೃಷ್ಣರಾವ್, ಬಿ ಎ ಎಲ್‌ಎಲ್ ಬಿ,
ಅಡ್ವೊಕೇಟ್, ಚಿಕ್ಕಮಗಳೂರು

6/7/41

Chikmagalur,
26/7/41.

194

GENL & REV SECRETARIAT Dept. 30 JUL 1941 BANGALORE

Law 18-41-1

Vo

By Regd Post

CHIEF SECRETARY 29 JUL 1941 GOVT OF MYSORE.

The Chief Secretary,
to the Government of Mysore,
Bangalore.

Sir,

29/7/41

My client Mr. V. Shama Rao, Land Holder, Resident of Kalasa, Mudigere Taluk, Kadur District, has duly instructed me to issue this notice for the wrongful act done by the Sanitary Department and the consequent damage caused to my client.

The Sanitary Engineering Department while laying out and constructing drains in Kalasa Town have allowed to let in drain water and flood water into the premises of my client . The water of the whole Town had been let lose in the land of my client and thus incessantly causing great - damage to the properties of my client The newly constructed substantial house of my client at a cost of more than Rs. 1200/- is likely to collapse owing to the flood water dashing against the foundation Though my client complained to the Deputy Commissioner, Kadur District and Sanitary - Engineering Department no action has been taken to divert the course of drain and flood water So far my client has xxx sustained a damage of Rs 500/- owing to the above act of Sanitary Engineering Department Under the above circumstances the Government will be pleased to give the - following reliefs to my client, viz -

(1). To compensate him Rs 500/- for the damage caused

caused so far to his land and building.

(ii). To divert ~~and~~ the water course from the land of my client.

The cause of action has been recurring one and for - damages, since 1941. If these reliefs are not granted, my client will be constrained to take legal action against the Government in the matter and Government of Mysore will be held responsible for all costs and.

Yours Faithfully,

Advocate.

Appendix F G—1]

SUBJECT

Section Law

File No. 18-41

Serial No 2

Diary No of letter replied to

No P 5780/Sec 1

To

The Director of Public Health

in Mysore, Bangalore

General and Revenue Secretariat

( )

the *19*

Subject — Notice of suit issued by Mr K Krishna Rao on behalf of his client Mr V Shama Rao

Date of issue 6/8/41

Sir,

Signed by Sd/- K P.P

I am directed to forward a copy of notice dated 26th July 1941 received from Mr K Krishna Rao Advocate, Bhukmagalur on behalf of his client Mr V Shama Rao and to request that a report in the matter together with the connected records may be forwarded to Court at an early date

List of enclosures

Copied by Sd/- 6/8/41

Examined by

I have etc

Secretary

Secretary to Govt

WD 086—GPB—40 000—30 7 40

No P 580/Sec 1 6th August 1941.

The Director of Public Health

in Mysore, Bangalore.

Subject: Notice of suit issued by Mr. K. Krishna Rao on behalf of his client Mr. V. Shama Rao.

Sir,

I am directed to forward herewith a copy of Notice dated 26th July 1941 received from Mr. K. Krishna Rao, Advocate, Chikmagalur on behalf of his client Mr. V. Shama Rao and to request that a report in the matter together with the connected records may be forwarded to Government at an early date.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to Government,
Law Department

TM-2)

GOVERNMENT OF MYSORE

Telegraphic Address

OFFICE OF the Director of Public Health
In Mysore, Bangalore,

No C 216-6
Enclosures

Date 16th November 1941

18

Law 18-41-3

The Secretary to Government,
Law Department,
Bangalore

SECY LAW DEPT 18 NOV 1941 GOVT OF MYSORE

Sir,

Subject. Notice of suit issued by Mr K Krishna Rao, on behalf of his client Mr V Shama Rao, Kalasa

With reference to your letter No P 580 dated 6-8-1941 on the above subject, I have the honour to enclose herewith a copy of letter No 572 dated 22-10-1941 of Sanitary Engineer together with an estimate for Rs 2,000/-, sketch, plan and data sheet for the information of Government

The Sanitary engineer reports that regarding furtner information required about the ownership of the land where the water is allowed to flow and the date on which the new house was constructed by the petitioner, the Deputy Commissioner has been reminded

A reminder is issued on 11th November 1941 to the Deputy Commissioner, Kadur District, also from this office As soon as the information is received it will be submitted to Government

I have the honour to be,
Sir,
Your most obedient servant,
Director of Public Health

ARg

Letter No 572 dated 22nd October 1941 from the Sanitary Engineer, Bangalore, to the Director of Public Health in Mysore, Bangalore

---

Re Notice of suit issued by Mr K Krishna Rao on behalf of his client Mr V Shama Rao, Kalasa

---

With reference to correspondence ending with your letter No C 216-2R dated 19th September 1941, I have the honour to state that a report in the matter has been received from the Asst Engineer, Sanitary Subdivision, Hassan, in his letter No 303 dated 27th August 1941 A sketch indicating the position of the applicant's house and its distance from the drain was required in order to explain the situation clearly and the same has been received from the Assistant Engineer to-day

There are three issues contained in the notice given by Mr Krishna Rao

1 That the Sanitary Engineering Department, while laying out drains have allowed drain water and flood water into the premises of his client and that the cause of action has been a recurring one and for damage since 1941

2 That the newly constructed substantial house costing more than Rs 1,200/- is likely to collapse owing to the flood water dashing against the foundation

3 That though he complained to the Deputy Commissioner, Kadur District and the Sanitary Engineering Department, no action has been taken to divert the course of the drain and the flood water

Regarding No 1, it may be mentioned that the drainage work in this area was completed as far back as 1935 As far as this office is aware of no fresh works have been undertaken since then, so that the present situation has been in existence for six years earlier than the date in the last para of the notice, namely year 1941

Regarding letting out drain water and flood water into the premises of his client it may be stated that there is a natural valley beside the client's premises so that the flood water must have normally been flowing in this The drains also have been constructed so as to lead the storm water into the same valley so that by the construction of the drains no further cause of damage has been given

Regarding the second issue, namely, that the newly constructed substantial house of the client at a cost of more than Rs 1,200/- is likely to collapse, etc , this office has no definite information as to whether this house existed even before the construction of the drain. But, the fact that the notice states that the cause of action has been recurring since 1941, and the statement that the"newly constructed" house is likely to be damaged, etc , seem to indicate that the house was constructed very recently The Deputy Commissioner, Kadur District, has been requested to ascertain from the Chairman of the Village Panchayat and intimate the date on which the house was constructed in order to ascertain the facts definitely Since the drains were constructed nearly six years ago and since the substantial house of the client seems to be a newly constructed one, it would be the responsibility of the owner of the house to make such protection for the waters already flowing into the valley beside the house as not to cause any damage to the structure This is particularly the case since the water flowing in the halla was in existence at the time of construction of the house, and it would not be right to hold anybody responsible for the damage, if any, caused by the water

A sketch ofthe petitioner's house and the gorge formed by the flow of water is enclosed herein and it is true that the deep pit is formed at a point about 10 feet from the edge of the petitioner's house But the point to be decided is whether the construction of protective works so as to prevent damage to the land intervening between the nalla and the edge of the owner's house is to be executed by the party or by Government The Deputy Commissioner, Kadur District, has been requested in this office letter No 406 dated 1-10-1941, to intimate if the natural nalla along which water is flowing is not Municipal or V P.land and no reply has so far been received If the water is flowing in a natural halla which would ordinarily not be considered to be any person's private land, I do not see any ground for the complaint of the petitioner

The cost of constructing a drain 200 ft long with the sides protected so as to prevent damage to the property will be Rs 2,000/- as per estimate enclosed herein

Regarding the statement that a representation was made by the petitioner to this Department and no action has been taken, etc., I write to state that a petition was received in this office on 30th June 1941 and the matter was in correspondence with the Assis Engineer, Hassan Subdivision, in the matter of obtaining detailed information regarding the position of the drain and the further acti necessary to be taken to prevent any damage being caused by the rush of water. Meanwhile the notice issued to Government by the Lawyer was also forwarded to this office in your No C 216-2 dated 8th August 1941 and action on both is being taken

The Deputy Commissioner, Kadur District, has been reminded this day about intimating this office regarding the ownership of the land where the water is allowed to flow and regarding the date on which the new house was constructed by the petitioner and immediately after receipt of a reply, a further report will be submitted

The copy of notice from the Advocate forwarded with your letter No C 216-2 dated 8th August 1941 is resubmitted herewith

---

" COPY "

Director of Public Health

3980-841
P

GOVERNMENT OF MYSORE

Telegraphic Address

OFFICE OF

THE DIRECTOR OF PUBLIC HEALTH

IN MYSORE,

Bangalore, dated January 9, 1942

No C 216 14

Encls copy of letter no 867 dtd 6-12-41 from SE Kolar with one file

Date

To 3

REV SECTT 19 JAN 1942

The Secretary to Government,

Law Department,

Bangalore

SECY LAW DEPT 19/1/42 MYSORE

Sir,

Subject.- Notice of suit issued by Mr K Krishna Rao, on behalf of his client Mr V Shama Rao, Kalasa

---

PWD II

In continuation of this office letter No G 216-6 dated 18th November 1941, on the above subject, I have the honour to enclose herewith a copy of letter No 867 dated 6th December 1941 of the Sanitary Engineer together with the entire file of records received from the Deputy Commissioner, Kadur District

A copy of letter No L Dis 4 6 C 1686/41-42 dated 2-12-41 of the Deputy Commissioner, Kadur District, addressed to the Sanitary Engineer intimating that Mr Shama Rao has constructed the house very recently, as per reports received, is also enclosed for the information of Government

I have the honour to be,
Sir,
Your most obedient servant,

Director of Public Health

Letter No.867 dated 6th December 1941 from the Sanitary Engineer, Bangalore, to the Director of Public Health in Mysore, Bangalore

---

Re - Notice of suit issued by Mr K Krishna Rao, Lawyer, on behalf of his client Mr V Shama Rao, Kalasa

---

With reference to your letter No 216-5 dated 12th November 1941, forwarding copy of your letter to the Deputy Commissioner, Kadur District, regarding the information about the date on which the new house was constructed by the above petitioner, etc , I have the honor to state that the entire file of records has been received in this office from the Deputy Commissioner on the 3rd instant, and the same is submitted herewith The Deputy Commissioner informs that Mr Shama Rao has constructed the house very recently

---

Letter No L Dis A 6 C 1686/41-42 dated 2-12-1941 of the Deputy Commissioner, Kadur District, to the Sanitary Engineer, Bureau of Sanitary Engineering, Bangalore

--

Re The drains constructed by the side of the house of Mr V Shama Rao, in Kalasa village, Mudigere Taluk

--

In continuation of this office letter No A 6 C 1686/41-42 dated 4-11-1941 regarding the above, I have the honour to forward herewith the entire file received with the Chickmagalur Sub Division Officers report No S 2 C 292/41-42 dated 21-11-1941 furnishing the detailed information about drainage together with the plans From the reports received it will be seen that Mr V Shama Rao has constructed the house very recently

---

Copy of the above is forwarded with compliments, to the Director of Public Health in Mysore, Bangalore for favour of information, with reference to his letter No C 216-4 dated 12-11-1941

--

Sd/-
For Deputy Commissioner,
Kadur District

" COPIES "

Director of Public Health

ndix F G—1]

UBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 17/4/62

Signed by M R Rao

List of enclosures

Copied by

Examined by

Section HC

File No 19-HC/

Serial No 11

No 1 9988 To The Dy Collr Kadur Dt Chickmagalur

To Sir,

Subject Notice of suit issued by Mr K K Lawyer, Shimoga (Advocate) on behalf of his client Mr V Shama Rao for damage to his house Constructed by the side of the drains in Kalasa village. Mu 7

With ref to your letter No L Dis A/C 16 dy 2-12-61 addressed to the Sanitary Engineer, B'lore on the above subject.

I am directed to request that early action may be taken to ac including that portion the Private land, if any, on which the main drain has been Constructed at the place

In favour of an immediate report on the action taken may be requested

I have &c

for Secy to Govt

Revenue Dept

WD 03 [illegible]

Copy w/c to the Dy Collr Kadur Dt for information with ref to letter No C 216-14 dy 9/1/62 for

for Secy to Govt Revenue Dept

be taken to acquire the private land, &c including that of the petitioner on which main drain has been constructed at the

The favour of an immediate report on the action taken is requested.

I have the honour to
Sir,
Your most obedient

For Secretary to
Law Department.

"Cons"

XXXX.4

66031

GOVERNMENT OF MYSORE

Gram phone

OFFICE OF

The Deputy Commissioner,

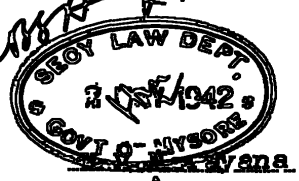
Kadur District,

Chickmagalur.

A6-P.R. 258-C.5054/41-42.

Gram. Records

Date 1st May 1942.



To V. Krishna Rao, Esquire, B.A., LL.B.,

Secretary to Government, Jud 19-41-17

Law Department - Bangalore.

With reference to your letter No.L.9988/Ml.19-41-11 dated 17th April 1942 regarding the acquisition of the private land, if any, including that ofthe petitioner V.Shama Rao on which the main drain has been constructed at Kalasa, Kudigere Taluk, I have the honour to request you to be so good as to intimate whether the protective works suggested by the Sanitary Engineer in his letter No.872 dated 5/8th December 1941 addressed to the Director of Public Health (copy enclosed) need not be undertaken.

The file of records

The file of records is sent herewith for reference and kind return.

I have the honour to be
Sir,
Your most obedient servant,

Deputy Commissioner,
Kachar District.

H.P.R.

Copy of letter No.872 dated 5/8th December 1941 from the Sanitary Engineer, Bureau of Sanitary Engineering, Bangalore, to the Director of Public Health in Mysore.,Bangalore.

Regarding the notice of suit issued by Mr.K.Krishna Rao, Lawyer on behalf of his client Mr.V.Shama Rao, Kalasa.

In continuation of this Office letter No.794 dated 26th November 1941 submitting a Memo. regarding the inspection of Kalasa water supply and drainage works,I have the honour to state that the gorge formed beside the house of Mr.Shama Rao was also inspected. A sketch showing the position of the house and the deep gorges formed beside by the flow of the water is enclosed herein for your information. There seems to have been a natural valley here through which water was flowing away from the town, but owing to the construction of the drains the volume of water that flows has increased and the gorge is being made deeper and deeper year after year. Just at present there is a deep gorge at a distance of 9 to 10 feet away from the rear corner of the petitioner's house, and if some action is not taken to prevent further scour there is every probability of the gorging extending right up to the main road, not to speak of the damage that would be caused to the petitioner's house constructed close to it.

In order to prevent damage being caused in this area of the Kalasa town, and also to safeguard the functioning of the drains that have already been constructed, it is felt that it is desirable to construct a dry stone or masonry body wall at the point AB which is removed from the road by a distance of about 140 feet and fill up the present gorge between this and the road upto the ground level, whereafter a drain may be constructed on it so as to prevent any further scours. If some wing walls are also constructed on either side ofthe masonry wall at AB, there is no further change of damage being caused to either the property of the petitioner or the drains beside the road.

An estimate for the above work has been called for from the Assistant Engineer, Hassan, and immediately after its receipt the same will be submitted for orders. It will be a point for consideration to decide the particular authority who is to meet the cost of the above work and if the cost is to be met by Government, it is

It is felt that it would be only right that it should be provided out of the temple funds since the cost of the construction of drains was also financed from the same source.

[illegible]

"COPY"

A.S. Iyer Rao

Deputy Commissioner,
Kolar District.

W.P.No.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 21/5/42

Signed by

List of enclosures

Copied by

Examined by

3 Copies.

Section Md

File No 19-41

Serial No 18

To, The D.C. Kadur Dt

No L 11120 Chickmagalur

Sir,

To

Subject: Notice of Suit for claim to Mr. Shama Rao's house near Kalasa, drawns at Mudigere I

With refe to your letter no A6-PR-258-C 5056/41-42 dt 1/5/42 on the above subject, solicit(ing) th(e) n(o)s of Govt re: the proposal of the Sanitary Engineer to undertake the work also I am directed to inform you that the acquisition of the private land including that of the petitioner Mr. Shama Rao is already with you & you may be proceeded with. You will have the question of taking of

Works engineer by the Sanitary
Engineering Light Consultant for
Consultation with the Local
Village Panchayat and the Executive
Authorities at Kalasa, who have to
work the sanitary expenditure in question was done in respect
of the drainage work at Kalasa.

I have etc.

For Secy to Govt.
Law Dept.

Memo No. 1124 dt 21/5/42
Copy of the above is forwarded to
to the Dir of P.H for information

B.O

For Secy to Govt.
Law Dept.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No L. 11120 and 19-31-18 *Dated, Bangalore, 21 May 1942.*

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.

Law Department.

To

The Deputy Commissioner,
Kadur District, Chikmagalur.

Sir,

Subject:- Notice of suit for damages to Mr. Shama Rao's house near the drains at Kalasa, Mudigere Taluk.

*****

With reference to your letter No.AS-3.R.258-C.3034/41-42 dated 1st May 1942 on the above subject, soliciting the instructions of Government regarding the proposal of the Sanitary Engineer to undertake the protective works also, I am directed to state that the requisition of the private land including that of the petitioner Mr. Shama Rao should be proceeded with first as already intimated to you and the question of taking up protective works suggested by the Sanitary Engineering Department considered later on in consultation with the local Village Panchayat and the temple authorities at Kalasa, who have to meet the entire expenditure in question, as was done in respect of the original drainage works at the place.

I have the honour to be
Sir,
Your most obedient servant,

Secretary to Government
Law Department.

Appendix F G—1]

SUBJECT Notice of Suit for damages to Mrs. Shanmuga Rao's house resulting from Drainage at Kalaga, Mundgod Taluk

Section ML
File No. 19-41
Serial No. -

Diary No of letter replied to

No. L 4310

To

The DC Karwar or Chairman

Sir,

I am directed to invite reference to the correspondence ending with this office letter No L 11120/ML 19-41-18 of 21st May 1942 on the above subject, and to enquire if action has been taken in the matter as instructed therein. An early report is requested.

Yours etc

for Secretary to Govt
Dr Land Revy

General and Revenue Secretariat

( )

the *19*

Date of issue. 23/10/42

Signed by Mr KMN

List of enclosures

Copied by

Examined by

WD 086—GPB—40,000—30-7 40

C. F No 45]

GOVERNMENT OF MYSORE

Tele. Line Phone

OFFICE OF

The Deputy Commissioner,
Kadur District,
Chikmagalur,
Date 27th November 1942.

No. A6.C.5054/41.
Encls.

The Secretary
to the Government of Mysore,
Law Department, Bangalore.

Sir,

Subject:- damages to Mr.Shama Rao's house near the drains at Kalasa, Mudigere Taluk.

With reference to your letter No.L.4310/ML.19-41 dated, 23rd October 1942, on the above subject, I have the honour to state that acquisition proceedings have been taken and preliminary notifications under section 4 of the Land Acquisition Act, have also been issued. The probable cost of the acquisition may come up to about Rs.70/-. It is reported that the Kalasa Panchayet have resolved to meet half the cost out of their funds. The Temple authorities have pleaded their inability to contribute any thing out of the Temple funds, as the amount available at its credit is not adequate to meet their urgent demands.

2. As regards protective measures to be taken in connection with the damages caused to Mr.V Shama Rao's house, the Sanitary Engineer, Bureau of Sanitary Engineering, has been requested to suggest protectiv steps necessary to prevent danger that may be caused to the house.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Kadur District.

NLR/-

G R. S App F G 3

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.)

See file No SE. 110

L. 6537 of 24/11/43 recvd

To

The Dir of P W.

Sir,

Subject:- Notice of Suit in connection with the damages caused to Mr. V. Rama Rao's house near the drains at Kalaya Mudagere Taluk.

In continuation of Memo No. A 11121 dt 21.5.1942 I am directed to forward herewith for information a copy of letter No A6 C 500/42/5 dt 27.11.42 received from the DC Kadur dist on the above subject. The records received with your letter No C. 216-6 dt 13.11.41 are herewith returned.

I have the

honour

to be

Sir

Your obt Servt

WD 06638—GPB—15,000—8-7-35

P T O.

Memo No. L 6540 records dt 4/1/43

Copy of the above is forwarded W/c. to the D.C Kaiser Distt for information. The file of records receive with your letter No. AG. P.R. 258-C 0065/Estt-2 Dt 1.5.1942 is herewith returned.

R.D

for Civil Surgeon
Kaiserganj